



9200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	GIROUARD	Examiner:	Getzow, Scott
Filed:	10/017,941	Group Art Unit:	3762
	December 12, 2001	Docket No.:	GUID.002US01
		(OLD)	1275.2US01
Title: SYSTEM AND METHOD FOR TREATING AN ADVERSE CARDIAC CONDITION USING COMBINED PACING AND DRUG DELIVERY			

#8

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this communication is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on November 9, 2004.

w/return postcard

By: Kelly S. Waltigney  
Kelly S. Waltigney

**Petition Under 37 C.F.R. § 1.181 (MPEP § 711.03(c))  
To Withdraw Holding Of Abandonment**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
NOV 17 2004  
TECHNOLOGY CENTER R3700

Dear Sir:

Applicant respectfully requests withdrawal of the holding of abandonment in patent application serial no. 10/017,941. Though no fees should be incurred in view of the following evidence and facts which support this request, authorization is given to charge/credit Deposit Account 50-0996 (GUID.002US01) as required for entry of this Petition.

Applicant has recently received a Notice of Abandonment dated October 19, 2004 (Exhibit A). Applicant's representative (the undersigned) has carefully reviewed the aforementioned communication, and must respectfully conclude that it was issued in error, based on a point of contention which is resolved as follows:

**FACTS & BACKGROUND**

The Notice of Abandonment alleges that a Response to Non-Final Office Action dated 26 August 2003 was not timely filed with the U.S. Patent & Trademark Office.

1) A Response to non-final Office Action was timely filed by facsimile to Group 3762 non-final Paper entry no. (703-872-9302) on November 25, 2003, with executed certificate of transmission under 37 CFR § 1.8, and with receipt of a facsimile confirmation indicating the

USPTO as recipient of said transmission. A true and accurate copy of the original facsimile filing is attached as Exhibit B; and is further attested to in the "Statement by Mark A. Hollingsworth," which concludes this submission.

2) Facsimile No. 703 872-9302 was the official Tech Center 3762 transmission number on the date of the Response filing 11/25/2003. A copy of the USPTO Notice of Official Facsimile Numbers for the transmission date is attached, with the TC3762 before final-number highlighted (Exhibit C).

3) The PTO transition to a Centralized Facsimile Number to facilitate the Image File Wrapper System was not in effect until December 1, 2003, after the date of the Response filing. A copy of the PTO Notice-Centralized Facsimile Transmission Requirements--is attached, with these particulars highlighted (Exhibit D). The undersigned exercised caution in adhering to the advisement of the U.S.P.T.O. regarding the effective date for transition.

A postcard is submitted with this Petition filing, for our additional records.

It is believed that this petition is also timely presented under the Rules since Applicant is responding immediately after becoming aware that the case had been characterized as abandoned. In view of the above and the documentation attached hereto, Applicant respectfully requests that the holding of abandonment in patent application serial number 10/017,941 be withdrawn, and that the attached Office Action Response is accorded the receipt date of November 25, 2003.

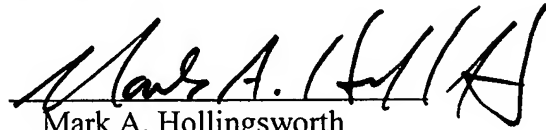
Please contact the undersigned attorney of record directly, should additional information or discussion lead to a resolution of this matter.

Respectfully submitted,

Crawford Maunu, PLLC  
1270 Northland Drive, Suite 390  
St. Paul, Minnesota 55120  
651-686-6633 x104

Date: November 9, 2004

By:



Mark A. Hollingsworth  
Reg. No.: 38,491



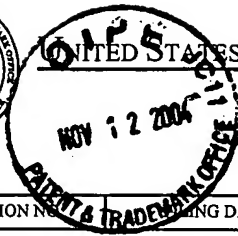
**STATEMENT BY MARK A. HOLLINGSWORTH**

I, Mark A. Hollingsworth, certify once more to the facsimile transmission of the Office Action Response (pages 1-18) on November 25, 2003 to TC Group 3762 Before Final Facsimile No. (703) 872-9302, and duly attest to the true and accurate copy of the Office Action Response with USPTO Facsimile Receipt Confirmation of 18 pages attached to this present communication (Exhibit B), on behalf of Patent Application Serial No. 10/017,941 filed on December 12, 2001.

Dated: November 9, 2004

Signature: Mark A. Hollingsworth  
Mark A. Hollingsworth, Reg. No. 38,491

Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/017,941

12/12/2001

Steven D. Girouard

1275.2US01

1471

**GUID: 002US02**

EXAMINER

GETZOW, SCOTT M

ART UNIT

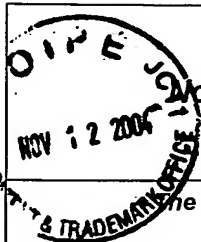
PAPER NUMBER

3762

DATE MAILED: 10/19/2004

Mark A. Hollingsworth  
CRAWFORD PLLC  
1270 NORTHLAND DRIVE  
SUITE 390  
MEDOTA HEIGHTS, MN 55120

Please find below and/or attached an Office communication concerning this application or proceeding.



# **Notice of Abandonment**

Application No.

10/017,941

Examiner

Scott M. Getzow

Applicant(s).

GIROUARD, STEVEN D.

Art Unit

3762

The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 26 August 2003.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
Scott M. Getzow  
Primary Examiner  
Art Unit: 3762

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Exhibit B

HP LaserJet 3100  
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for:  
Crawford PLLC  
651686 7111  
Nov-25-03 7:06PM

GUI00006

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
96	11/25 7:01PM	4'25"	USPTO	Send.....	18/18	EC144	Completed.....
Total		4'25"	Pages Sent: 18		Pages Printed: 0		

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GIROUARD Examiner: Getzow, S.  
Serial No.: 10/017,941 Group Art Unit: 3762  
Filed: December 12, 2001 Docket No.: NEW: GUID.002US01  
OLD: 1275.2US01  
Title: SYSTEM AND METHOD FOR TREATING AN ADVERSE CARDIAC  
CONDITION USING COMBINED PACING AND DRUG DELIVERY

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinafter, are being transmitted via facsimile-Formal Entry, to the attention of the Examiner at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 25, 2003.  
18 Total Pages  
Facsimile No.: 703-872-9302  
By: *[Signature]*  
Mark A. Hollingsworth

## OFFICE ACTION RESPONSE AND AMENDMENT

MAIL STOP NON-FEE AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the non-final Office Action dated August 26, 2003, please consider the following amendment and remarks. The amendments to the claims are presented in accordance with the "revised format" of 37 CFR § 1.121.

Authorization is herewith given to charge Deposit Account 50-0996 (GUID.002US01) all requisite fees, to include fees incurred by claims amendments and/or new claim(s) submissions, as presented in this Response and Amendment.

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks begin on page 14 of this paper.